

8915-0035/dmf

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CINDY CHAVIS,

**ANSWER TO FIRST  
AMENDED COMPLAINT**

Plaintiff,

-against-

07 CIV 8086 (KMK)

MARGARET PALUMBO, sued in her individual capacity,  
LIEUTENANT BENNETT, SERGEANT JON REMSEN,  
OFFICER KAREN ZIRBEL, OFFICER JOSEPH HERRING  
and OFFICER PHILIP RUTALANTE, sued in their individual  
capacities,

Defendants.

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The defendants, by their attorneys, McCabe & Mack LLP, as and for their answer to the first amended complaint of the plaintiff, respectfully shows to the court and alleges as follows.

**INTRODUCTION**

1. With regard to paragraph numbered "1" of the first amended complaint, neither admit nor deny as states a conclusion of law.

**PARTIES**

2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "2" of the first amended complaint.

**JURISDICTION AND VENUE**

3. With regard to paragraphs numbered "9" and "10" of the first amended complaint, neither admit nor deny as states a conclusion of law.

**FACTUAL AVERMENTS**

4. Deny knowledge or information sufficient to form a belief as to the truth of the

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allegations contained in paragraphs numbered "11" of the first amended complaint.

5. Deny those allegations contained in paragraphs numbered "13", "14", "15", "16", "17", "18" and "19" of the first amended complaint.

### **CAUSES OF ACTION**

6. Repeat, reiterate and reallege each and every denial to each and every allegation contained in paragraphs numbered "1" through "19" and incorporated by reference in paragraph "20" of the first amended complaint as if the same were more fully set forth herein at length.

7. Deny those allegations contained in paragraphs numbered "21" and "22" of the first amended complaint.

### **AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

8. The individual defendants acted in good faith and are entitled to qualified immunity.

WHEREFORE, the defendants demand judgment dismissing the first amended complaint of the plaintiff herein, plus the costs and disbursements of this action and for such other and further relief as to the Court may seem just and proper.

DATED: Poughkeepsie, New York  
February 12, 2008

Yours, etc.

McCABE & MACK LLP

By:   
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